



Sen. Linda Holmes

Filed: 4/15/2021

10200SB1247sam001

LRB102 05056 KMF 25302 a

1 AMENDMENT TO SENATE BILL 1247

2 AMENDMENT NO. _____. Amend Senate Bill 1247 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Herptiles-Herps Act is amended by changing
5 Sections 1-5, 1-15, 5-5, 5-10, 5-15, 5-20, 5-30, 5-35, 10-40,
6 15-5, 20-30, 25-5, 25-30, 30-10, 35-5, 40-5, 40-10, 45-5,
7 50-5, 50-10, 55-5, 55-10, 60-5, 65-5, 70-5, 80-5, 90-5, 95-5,
8 95-10, 100-5, 100-10, 100-15, 105-10, 105-30, 105-35, 105-40,
9 105-55, 105-60, 105-65, 105-75, 105-80, 105-90, 105-95, and
10 110-5 and by adding Sections 55-15 and 90-10 and Article 87 as
11 follows:

12 (510 ILCS 68/1-5)

13 Sec. 1-5. Purpose. The purpose of this Act is to regulate
14 the protection, control, possession, and propagation of
15 herptiles in this State. ~~For purposes of this Act, reptiles~~
16 ~~and amphibians shall be exempt from the definition of "aquatic~~

1 ~~life" under Section 1-20 of the Fish and Aquatic Life Code. All~~
2 ~~rules and enforcement actions under the Illinois Conservation~~
3 ~~Law and the dangerous animals provisions in Section 48-10 of~~
4 ~~the Criminal Code of 2012 related to reptiles and amphibians~~
5 ~~shall be covered exclusively by this Act.~~

6 (Source: P.A. 98-752, eff. 1-1-15.)

7 (510 ILCS 68/1-15)

8 Sec. 1-15. Definitions. For the purposes of this Act,
9 unless the context clearly requires otherwise, the following
10 terms are defined as:

11 "Administrative rule" means a regulatory measure issued by
12 the Director under this Act.

13 "Authorized law enforcement officer" means all sworn
14 members of the Law Enforcement Division of the Department and
15 those persons specifically granted law enforcement
16 authorization by the Director.

17 "Bona fide scientific or educational institution" means
18 confirming educational or scientific tax-exemption, from the
19 federal Internal Revenue Service or the applicant's national,
20 state, or local tax authority, or a statement of accreditation
21 or recognition as an educational institution.

22 "Contraband" means all herptiles ~~reptile or amphibian life~~
23 or any part of a herptile ~~reptile or amphibian life~~ taken,
24 bought, sold or bartered, shipped, or held in possession or
25 any conveyance, vehicle, watercraft, or other means of

1 transportation whatsoever, except sealed railroad cars or
2 other sealed common carriers, used to transport or ship any
3 herptile ~~reptile or amphibian life~~ or any part of a herptile
4 ~~reptile or amphibian life~~ taken, contrary to this Act,
5 including administrative rules, or used to transport, contrary
6 to this Act, including administrative rules, any of the
7 specified species when taken illegally.

8 "Culling" means picking out from others and removing
9 rejected members because of inferior quality.

10 "Department" means the Illinois Department of Natural
11 Resources.

12 "Director" means the Director of the Illinois Department
13 of Natural Resources.

14 "Educational program" means a program of organized
15 instruction or study for providing education intended to meet
16 a public need.

17 "Endangered or threatened species" means any reptile or
18 amphibian species listed as endangered or threatened to the
19 species level on either the Illinois List of Endangered and
20 Threatened Fauna or the federal U.S. Fish and Wildlife Service
21 List of Threatened and Endangered Species.

22 "Herpetoculture" means the breeding, hatching,
23 propagation, or raising of indigenous or native herptiles in
24 captivity.

25 "Herptile" means ~~collectively~~ any amphibian or reptile
26 taxon and includes any species, hybrid, or intergrade thereof

1 ~~, whether indigenous to this State or not.~~

2 "Hybrid" means the offspring of 2 herptiles of different
3 breeds, varieties, species, or genera.

4 "Indigenous or native taxa" means those amphibians and
5 reptiles to the subspecies level that can be found naturally
6 in this State.

7 "Individual" means a natural person.

8 "Intergrade" means the offspring of 2 herptiles of
9 different subspecies.

10 "Medically significant" means a venomous or poisonous
11 species whose venom or toxin can cause death or serious
12 illness or injury in humans that may require emergency room
13 care or the immediate care of a physician. These species are
14 categorized as being "medically significant" or "medically
15 important".

16 "Morphological variation" means the form and structure of
17 a herptile or any part of a herptile. "Morphological
18 variation" includes the outward appearance, structure, shape,
19 color, pattern, and size of a herptile.

20 "Owner" means an individual who has a legal right to the
21 possession of a herptile.

22 "Person" means any individual, partnership, corporation,
23 organization, trade or professional association, firm, limited
24 liability company, joint venture, or group.

25 "Possession limit" means the maximum number or amount of
26 herptiles that can be lawfully held or possessed by one person

1 at any time.

2 "Possessor" means any person who possesses, keeps,
3 harbors, brings into the State, cares for, acts as a custodian
4 for, has in his or her custody or control, or holds a property
5 right to a herptile.

6 "Propagation" means the act or process of maintaining any
7 herptile in its natural environment or in a controlled
8 environment that intentionally or unintentionally results in
9 the production of eggs or offspring from the parent stock.

10 "Propagation" includes the attempt to produce eggs or
11 offspring from the parent stock.

12 "Reptile show" means any event open to the public, for a
13 fee or without a fee, that is not a licensed pet store, where
14 herptiles or herptiles together with other animals are
15 exhibited, displayed, sold, bought, traded, or otherwise made
16 available for public display.

17 "Resident" means a person who in good faith makes
18 application for any license or permit and verifies by
19 statement that he or she has maintained his or her permanent
20 abode in this State for a period of at least 30 consecutive
21 days immediately preceding the person's application, and who
22 does not maintain permanent abode or claim residency in
23 another state for the purposes of obtaining any of the same or
24 similar licenses or permits under this Act. A person's
25 permanent abode is his or her fixed and permanent dwelling
26 place, as distinguished from a temporary or transient place of

1 residence. Domiciliary intent is required to establish that
2 the person is maintaining his or her permanent abode in this
3 State. Evidence of domiciliary intent includes, but is not
4 limited to, the location where the person votes, pays personal
5 income tax, or obtains a drivers license. Any person on active
6 duty in the Armed Forces shall be considered a resident of
7 Illinois during his or her period of military duty.

8 "Special use herptile" means any taxon of amphibian or
9 reptile set forth in administrative rule for which a Herptile
10 Special Use permit is required.

11 "Take" means possess, collect, catch, detain, hunt, shoot,
12 pursue, lure, kill, destroy, capture, gig or spear, trap or
13 ensnare, harass, or an attempt to do so.

14 "Transport" or "ship" means to convey by parcel post,
15 express, freight, baggage, or shipment by common carrier or
16 any description; by automobile, motorcycle, or other vehicle
17 of any kind; by water or aircraft of any kind; or by any other
18 means of transportation.

19 "Turtle farming" means the act of breeding, hatching,
20 raising, selling turtles, or any combination commercially for
21 the purpose of providing turtles, turtle eggs, or turtle parts
22 to pet suppliers, exporters, and food industries.

23 ~~"Wildlife sanctuary" means any non profit organization~~
24 ~~that: (1) is exempt from taxation under the federal Internal~~
25 ~~Revenue Code and is currently confirmed as tax exempt by the~~
26 ~~federal Internal Revenue Service; (2) operates a place of~~

1 ~~refuge where wild animals are provided care for their lifetime~~
2 ~~or released back to their natural range; (3) does not conduct~~
3 ~~activities on animals in its possession that are not inherent~~
4 ~~to the animal's nature; (4) does not use animals in its~~
5 ~~possession for entertainment; (5) does not sell, trade, or~~
6 ~~barter animals in its possession or parts of those animals;~~
7 ~~and (6) does not breed animals in its possession.~~

8 (Source: P.A. 98-752, eff. 1-1-15.)

9 (510 ILCS 68/5-5)

10 Sec. 5-5. Possession limits.

11 (a) The possession limit for herptiles ~~indigenous~~
12 ~~amphibian and reptile taxa~~ (excluding common snapping turtles
13 and bullfrogs) is ~~8 total collectively with~~ no more than 4
14 total per species. The possession of one or more parts of the
15 body of the same individual herptile shall equal one
16 individual herptile of a species. In no case shall a person
17 possess more than 8 indigenous amphibian or reptiles in total.
18 Young of gravid wild-collected amphibians and reptiles shall
19 be returned to the site of adult capture after birth. The
20 possession limit for common snapping turtles and bullfrogs
21 shall be set by administrative rule.

22 (b) Only residents may possess herptiles collected from
23 the wild within this State under a valid sport fishing
24 license; non-residents may not possess herptiles collected
25 from the wild within this State except for scientific purposes

1 after first obtaining, ~~with~~ a Herptile Scientific Collection
2 permit.

3 (c) All herptile species (other than bullfrogs and common
4 snapping turtles) shall ~~may~~ be captured by hand only, unless
5 otherwise authorized by this Act or administrative rule. This
6 shall not restrict the use of legally taken herptiles as bait
7 by anglers only, unless otherwise authorized by this Act or
8 administrative rule. Any captured herptiles that are not to be
9 retained in the possession of the captor shall be immediately
10 released at the site of capture, unless taken with a lethal
11 method such as bow and arrow, gig, spear, or pitchfork which
12 does not permit release without harm. All common snapping
13 turtles and bullfrogs taken from the wild ~~for personal~~
14 ~~consumption~~ must be kept and counted in the daily catch creel
15 or bag. No culling of species taken from the wild ~~of these 2~~
16 ~~species for personal consumption~~ is permitted.

17 (d) The trier of fact may infer that a person is collecting
18 from the wild within this State if he or she possesses
19 indigenous reptiles or amphibians, in whole or in part, if no
20 documentation exists stating that the animals were legally
21 collected from the wild outside of this State.

22 (e) A resident of this State in possession of more than the
23 allowed possession limit set forth in subsection (a) must
24 obtain ~~Residents may possess a total of 8 native herp~~
25 ~~specimens collectively, with no more than 4 per species,~~
26 ~~without obtaining~~ and have in his or her possession ~~possessing~~

1 either a Herptile Scientific Collection permit or
2 Herpetoculture permit from the Department, regardless of the
3 origin of the species. Unless exempt under the provisions of
4 Section 20 of the Fish and Aquatic Life Code, a A sport fishing
5 license is required for residents to legally collect any
6 native herptile ~~herp~~ taxon on private land, with the
7 landowner's permission. Collecting herptiles on public lands
8 shall require the agency that manages the land to authorize
9 the collecting of herptiles on the public land under its
10 control ~~additional permits.~~

11 (f) Any resident wishing to possess more than his or her
12 allowed possession limit shall first apply to the Department
13 for a Herptile Scientific Collection permit or Herpetoculture
14 permit to do so. Issuance, modification, or denial of any and
15 all of these permits shall be at the sole discretion of the
16 Department. Procedures for the issuance, modification, or
17 denial of permits shall be set forth by administrative rule.

18 (g) (Blank). ~~Due to the similarity of appearance (S/A) of~~
19 ~~certain intergrade or hybrid specimens, the Department retains~~
20 ~~the authority to enforce any and all provisions under this~~
21 ~~Act. Specimens determined by the Department, or its agents, to~~
22 ~~fit into this S/A category shall receive all benefits of this~~
23 ~~Act, as well as the Illinois Endangered Species Protection Act~~
24 ~~if applicable, and shall be included in an individual's~~
25 ~~overall possession limit.~~

26 (Source: P.A. 98-752, eff. 1-1-15.)

1 (510 ILCS 68/5-10)

2 Sec. 5-10. Commercialization; herpetoculture.

3 (a) It is unlawful to take, possess, buy, sell, offer to
4 buy or sell or barter any herptile ~~reptile, amphibian,~~ or
5 their eggs, any resulting offspring, or parts taken from the
6 wild in this State for commercial purposes unless otherwise
7 authorized by law.

8 (b) The trier of fact may infer that a person is collecting
9 from the wild within this State for commercial purposes if he
10 or she possesses indigenous herptiles ~~reptiles or amphibians,~~
11 in whole or in part, for which no documentation exists stating
12 that the animals were legally collected from the wild outside
13 this State.

14 (c) (Blank). ~~Due to the similarity of appearance (S/A) of~~
15 ~~certain intergrade or hybrid specimens, the Department retains~~
16 ~~the authority to enforce any and all provisions under this~~
17 ~~Act. Specimens determined by the Department, or its agents, to~~
18 ~~fit into this S/A category shall receive all benefits of this~~
19 ~~Act, as well as the Illinois Endangered Species Protection Act~~
20 ~~if applicable, and shall be included in an individual's~~
21 ~~overall possession limit.~~

22 (d) A valid, Department-issued Herpetoculture permit shall
23 apply only to indigenous herptile ~~herp~~ taxa. A Herpetoculture
24 permit shall not be required in order to commercialize
25 non-indigenous herptile ~~herp~~ taxa except as otherwise

1 prohibited or regulated under this Act or federal law.

2 (e) Indigenous herptile ~~herp~~ taxa collected from the wild
3 in this State may not be bred unless otherwise authorized by
4 the Department for research or recovery purposes unless
5 otherwise authorized by this Act or administrative rule.

6 (Source: P.A. 98-752, eff. 1-1-15.)

7 (510 ILCS 68/5-15)

8 Sec. 5-15. Protection of habitat. Habitat features that
9 are disturbed in the course of searching for herptiles
10 ~~reptiles and amphibians~~ shall be returned to as near its
11 original position and condition as possible, ~~for example~~
12 ~~overturned stones and logs shall be restored to their original~~
13 ~~locations~~.

14 (Source: P.A. 98-752, eff. 1-1-15.)

15 (510 ILCS 68/5-20)

16 Sec. 5-20. Propagation of ~~Taking of~~ endangered or
17 threatened species.

18 (a) No person shall take or possess for the purpose of
19 propagation any of the herptiles listed in the Illinois
20 Endangered Species Protection Act, the federal Endangered
21 Species Act of 1973, or ~~subsequent~~ administrative rules unless
22 authorized by a Herptile Endangered and Threatened Species
23 Propagation permit issued by the Department. For the purpose
24 of propagation only, a Herptile Endangered and Threatened

1 Species Propagation permit shall allow a resident of this
2 State to possess, propagate, or sell legally obtained
3 endangered and threatened herptiles. The Department shall
4 adopt rules relating to the acquisition, possession, and
5 propagation of legally obtained endangered and threatened
6 herptiles. The Department shall determine, by rule, the
7 application, fees, duration, and other requirements necessary
8 for the issuance or suspension or revocation of a Herptile
9 Endangered and Threatened Species Propagation permit. All fees
10 collected from the issuance of a Herptile Endangered and
11 Threatened Species Propagation permit shall be deposited into
12 the Wildlife Preservation Fund., ~~except as provided by that~~
13 ~~Act.~~

14 (b) Any person issued a Herptile Endangered and Threatened
15 Species Propagation permit by the Department who is in
16 possession of a ~~permitted~~ threatened or endangered (T/E)
17 herptile species shall be exempt from an individual's overall
18 possession limit under the permitting system set forth in this
19 Act. However, the holder of a Herptile Endangered and
20 Threatened Species Propagation permit is not exempt from the
21 species limitations set forth in the administrative rules
22 regarding the Herptile Endangered and Threatened Species
23 Propagation permit. However, any and all T/E specimens shall
24 ~~be officially recorded with the Department's Endangered~~
25 ~~Species Conservation Program.~~ Any species occurring on the
26 federal T/E list also requires a Department permit for

1 possession, propagation, sale, or offer for sale unless
2 otherwise permitted under this Act or administrative rule
3 ~~through the Department.~~

4 (c) (Blank). ~~Due to the similarity of appearance (S/A) of~~
5 ~~certain intergrade or hybrid specimens, the Department retains~~
6 ~~the authority to enforce any and all provisions under this~~
7 ~~Act. Specimens determined by the Department, or agents, to fit~~
8 ~~into this S/A category shall receive all benefits of this Act,~~
9 ~~as well as the Illinois Endangered Species Protection Act if~~
10 ~~applicable, and shall be included in an individual's overall~~
11 ~~possession limit.~~

12 (d) Federally licensed exhibits shall not be exempt from
13 the Illinois Endangered Species Protection Act, this Act, or
14 administrative rule.

15 (e) Any changes in threatened or endangered species
16 inventory ~~T/E permit numbers~~ for herptiles by current,
17 existing Herptile Endangered and Threatened Species
18 Propagation permit holders shall be reported to the Department
19 in writing no later than the first business day after that
20 change occurred. Applications for permits to possess and take
21 herptiles shall be reviewed by the Department as provided by
22 this Act or administrative rule. ~~Requests for permits by any~~
23 ~~resident acquiring a T/E species who is not permitted shall~~
24 ~~not be issued after the fact.~~

25 (f) (Blank). ~~Annual reports are due by January 31 of each~~
26 ~~year for the preceding year's activities. Failure to submit~~

1 ~~the annual report by the due date shall result in a permit~~
2 ~~violation.~~

3 (g) (Blank). ~~An annual fee for herptile T/E species~~
4 ~~permits, per permittee, shall be set by administrative rule.~~
5 ~~All fees for herptile T/E species permits shall be deposited~~
6 ~~into the Wildlife Preservation Fund.~~

7 (h) (Blank). ~~Procedures for acquisition, breeding, and~~
8 ~~sales of T/E herptile species shall be set forth in~~
9 ~~administrative rule.~~

10 (i) (Blank). ~~Record keeping requirements for T/E herptile~~
11 ~~species shall be set forth in administrative rule.~~

12 (Source: P.A. 98-752, eff. 1-1-15.)

13 (510 ILCS 68/5-30)

14 Sec. 5-30. Taking of turtles or bullfrogs; illegal
15 devices.

16 (a) ~~No person shall take turtles or bullfrogs by~~
17 ~~commercial fishing devices, including dip nets, hoop nets,~~
18 ~~traps, or seines, or by the use of firearms, airguns, or gas~~
19 ~~guns.~~ Turtles or bullfrogs may be taken only by methods set
20 forth in administrative rule ~~hand or means of hook and line.~~

21 (b) Bullfrog; common snapping turtle; open season.

22 (1) All persons ~~individuals~~ taking bullfrogs shall
23 possess a valid sport fishing license issued under Article
24 20 of the Fish and Aquatic Life Code and may take bullfrogs
25 only during the open season to be specified by

1 administrative rule. ~~Bullfrogs may only be taken by hook~~
2 ~~and line, gig, pitchfork, spear, bow and arrow, hand, or~~
3 ~~landing net.~~

4 (2) The daily catch limit and total possession limit
5 for all properly licensed persons shall be specified by
6 administrative rule.

7 (3) All persons taking common snapping turtles shall
8 possess a valid sport fishing license issued under Article
9 20 of the Fish and Aquatic Life Code and may take common
10 snapping turtles only during the open season to be
11 specified by administrative rule. Common snapping turtles
12 (Chelydra serpentina) may be taken only by methods set
13 forth in administrative rule ~~hand, hook and line, or bow~~
14 ~~and arrow~~, except in the counties listed in administrative
15 rule ~~Section 5-35~~ where bowfishing for common snapping
16 turtles is not allowed.

17 (4) The daily catch limit and total possession limit
18 for all properly licensed persons shall be specified by
19 administrative rule.

20 (c) (Blank). ~~The alligator snapping turtle (Macrochelys~~
21 ~~temminckii) is protected and may not be taken by any method~~
22 ~~including, but not limited to, any sport fishing method.~~

23 (Source: P.A. 98-752, eff. 1-1-15.)

24 (510 ILCS 68/5-35)

25 Sec. 5-35. Areas closed to the taking of reptiles and

1 amphibians.

2 (a) Unless otherwise allowed under the provisions of this
3 Act ~~by law~~ or administrative rule, the taking of herptiles
4 ~~reptiles and amphibians~~ at any time and by any method is
5 prohibited in the ~~following areas:~~

6 ~~The~~ LaRue-Pine Hills or Otter Pond Research Natural Area
7 in Union County. ~~The closed area shall include the~~
8 ~~Research Natural Area as designated by the U.S. Forest~~
9 ~~Service and the right of way of Forest Road 345 with~~
10 ~~Forest Road 236 to the intersection of Forest Road 345~~
11 ~~with the Missouri Pacific railroad tracks.~~ Unless
12 otherwise authorized, possession of any collecting
13 equipment is prohibited within the ~~closed~~ area.

14 (b) For the protection and preservation of any herptile
15 taxa, the Department may close any area to prevent the taking,
16 collecting, or killing of herptiles. The Department may close
17 an area for purposes that include the biological significance
18 or importance of a species or location or for the prevention,
19 containment, or treatment of disease. The Department shall
20 adopt procedures for the closure of an area by administrative
21 rule. ~~In the following counties bowfishing for common snapping~~
22 ~~turtles is not permitted: Randolph, Perry, Franklin, Hamilton,~~
23 ~~White, Gallatin, Saline, Williamson, Jackson, Union, Johnson,~~
24 ~~Pope, Hardin, Massac, Pulaski, and Alexander, or in any~~
25 ~~additional counties added through administrative rule.~~

26 (c) (Blank). ~~Collection of wild turtles for races or other~~

1 ~~types of events involving congregating and gathering numbers~~
2 ~~of wild turtles is prohibited in counties where ranavirus has~~
3 ~~been documented. Inclusion on the county list shall be~~
4 ~~determined by rule.~~

5 (Source: P.A. 98-752, eff. 1-1-15.)

6 (510 ILCS 68/10-40)

7 Sec. 10-40. Additional regulations. Venomous reptiles
8 shall not be bred, sold, or offered for sale within this State.
9 The Department may approve limited transfers among existing
10 permittees as set forth in administrative rule ~~at the sole~~
11 ~~discretion of the Department.~~

12 As determined by the Department, non-residents may apply
13 for a permit not to exceed 15 consecutive days to use venomous
14 reptiles in bona fide educational programs. The fee for the
15 permit shall be set by administrative rule, and all fees shall
16 be deposited into the Wildlife Preservation ~~and Fish~~ Fund.

17 (Source: P.A. 98-752, eff. 1-1-15.)

18 (510 ILCS 68/15-5)

19 Sec. 15-5. Boas, pythons, and anacondas. Unless contrary
20 to any other law or rule, nothing ~~Nothing~~ shall prohibit
21 lawfully acquired possession of any of the Boidae family, such
22 as boas, pythons, and anacondas, provided captive maintenance
23 requirements from the Department as set forth in this Act are
24 met. All boas, pythons, and anacondas referenced in this Act

1 are exempt from the permit process, associated annual fee, and
2 liability insurance coverage.

3 (Source: P.A. 98-752, eff. 1-1-15.)

4 (510 ILCS 68/20-30)

5 Sec. 20-30. Additional regulations. Crocodilians shall not
6 be bred, sold, or offered for sale within this State. However,
7 the Department may approve, by rule, limited transfers among
8 existing permittees.

9 As determined by the Department through administrative
10 rule, non-residents may apply for a permit not to exceed 15
11 consecutive days to use crocodilians in bona fide educational
12 programs. The fee for this permit shall be set by
13 administrative rule, and all fees shall be deposited into the
14 Wildlife Preservation ~~and Fish~~ Fund.

15 (Source: P.A. 98-752, eff. 1-1-15.)

16 (510 ILCS 68/25-5)

17 Sec. 25-5. Monitor lizards. "Monitor lizards" means the
18 following members of the Varanidae family, specifically
19 crocodile monitors and ~~as well as~~ Komodo dragons.

20 (Source: P.A. 98-752, eff. 1-1-15.)

21 (510 ILCS 68/25-30)

22 Sec. 25-30. Additional regulations. Monitor lizards shall
23 not be bred, sold, or offered for sale within this State.

1 However, the Department may approve, by rule, limited
2 transfers among existing permittees.

3 As determined by the Department, non-residents may apply
4 for a permit not to exceed 15 consecutive days to use monitor
5 lizards in bona fide educational programs. The fee for the
6 permit shall be set by administrative rule, and all fees shall
7 be deposited into the Wildlife Preservation ~~and Fish~~ Fund.

8 (Source: P.A. 98-752, eff. 1-1-15.)

9 (510 ILCS 68/30-10)

10 Sec. 30-10. Turtle collection. Collection of wild turtles
11 for races or other types of events involving congregating and
12 gathering numbers of wild turtles is prohibited in counties
13 where ranavirus has been documented. Inclusion on the county
14 list shall be determined by administrative rule.

15 (Source: P.A. 98-752, eff. 1-1-15.)

16 (510 ILCS 68/35-5)

17 Sec. 35-5. Amphibians. For the purposes of this Section,
18 "amphibians" means those medically significant poisonous
19 amphibians capable of causing bodily harm to humans or
20 animals, including, but not limited to, cane or marine toads
21 (Bufo marinus) and Colorado river toads (Bufo alvarius), or
22 any other amphibian found to be medically significant and
23 listed in administrative rule. Amphibians defined in this
24 Section shall only be allowed for bona fide educational

1 purposes or research purposes by bona fide scientific or
2 educational ~~exempted~~ institutions.

3 Poison dart frogs bred and raised in captivity shall be
4 exempt from the permit process.

5 (Source: P.A. 98-752, eff. 1-1-15.)

6 (510 ILCS 68/40-5)

7 Sec. 40-5. Permit issuance. Herptile Scientific Collection
8 permits may be granted by the Department under administrative
9 rule, ~~in its sole discretion~~, to any properly accredited
10 person at least 18 years of age, permitting the capture,
11 marking, handling, banding, or collecting (including hide,
12 skin, bones, teeth, claws, nests, eggs, or young), for
13 strictly scientific purposes, of any of the herptiles not
14 listed as endangered or threatened but now protected under
15 this Act. A Herptile Scientific Collection permit may be
16 granted under administrative rule ~~to qualified individuals~~ for
17 purpose of salvaging dead, sick, or injured herptiles not
18 listed as endangered or threatened but protected by this Act
19 for permanent donation to bona fide public or state
20 scientific, educational, or zoological institutions.
21 Collecting herptiles on public lands shall require additional
22 permits.

23 (Source: P.A. 98-752, eff. 1-1-15.)

24 (510 ILCS 68/40-10)

1 Sec. 40-10. Permit requirements. The criteria and
2 standards for a Herptile Scientific Collection permit shall be
3 provided by administrative rule. The Department shall set
4 forth applicable rules covering qualifications and facilities
5 needed to obtain a permit. Disposition of herptiles taken
6 under the authority of this Article shall be specified by the
7 Department. The holder of each permit shall make to the
8 Department a report in writing upon forms furnished by the
9 Department as provided by administrative rule. These reports
10 shall be made (i) annually if the permit is granted for a
11 period of one year or (ii) within 30 days after the expiration
12 of the permit if the permit is granted for a period of less
13 than one year. These reports shall include all information
14 that is required by the Department ~~considers necessary~~.

15 (Source: P.A. 98-752, eff. 1-1-15.)

16 (510 ILCS 68/45-5)

17 Sec. 45-5. Permit application and fees. An applicant for a
18 Herptile Scientific Collection permit must file an application
19 with the Department on a form provided by the Department. The
20 application must include all information and requirements as
21 set by administrative rule. The application for these permits
22 shall be reviewed by the Department to determine if a permit
23 should be issued.

24 Unless addressed or exempted by administrative rule,
25 annual permit renewal must be accompanied by non-refundable

1 fee as set by the Department. The annual fee for a Herptile
2 Scientific Collection permit shall be set by administrative
3 rule. The Department shall adopt, by administrative rule, any
4 additional procedures for the renewal of a Herptile Scientific
5 Collection permit. All fees shall be deposited into the Fish
6 and Preservation Wildlife Fund.

7 (Source: P.A. 98-752, eff. 1-1-15.)

8 (510 ILCS 68/50-5)

9 Sec. 50-5. Permit issuance. Any person or business who
10 engages in herpetoculture, ~~the the breeding, hatching,~~
11 ~~propagation,~~ sale, or the offer for sale of any indigenous
12 herptile, regardless of origin, shall procure a Herpetoculture
13 permit from the Department. Herptiles for which a
14 Herpetoculture permit is issued or that ~~specified, which~~ are
15 bred, hatched, propagated, or legally obtained by a person or
16 business holding a Herpetoculture permit ~~as provided for in~~
17 ~~this Article,~~ may be transported and sold or offered for sale
18 within this State. Indigenous herptile ~~herp~~ taxa collected
19 from the wild in this State shall not be bred unless otherwise
20 authorized by this Act or administrative rule ~~the Department~~
21 ~~for research or recovery purposes.~~

22 (Source: P.A. 98-752, eff. 1-1-15.)

23 (510 ILCS 68/50-10)

24 Sec. 50-10. Permit requirements. Herpetoculture permit

1 holders shall maintain written records of all herptiles
2 possessed, ~~indigenous to this State~~ bought, sold, hatched,
3 propagated, ~~sold~~, or shipped and that are indigenous to this
4 State for a minimum of 2 years after the date of the
5 transaction and shall be made immediately available to
6 authorized employees of the Department upon request. These
7 records shall include the name and address of the buyer and
8 seller, the appropriate permit number of the buyer and seller,
9 the date of the transaction, the species name (both common and
10 scientific), and the origin of herptile involved. Records of
11 the annual operations, as may be required by the Department,
12 shall be forwarded to the Department upon request.

13 The criteria and standards for a Herpetoculture permit
14 shall be provided by administrative rule. The Department shall
15 set forth applicable rules, including a list of herptiles
16 indigenous to this State.

17 (Source: P.A. 98-752, eff. 1-1-15.)

18 (510 ILCS 68/55-5)

19 Sec. 55-5. Permit application and fees. An applicant for
20 a Herpetoculture permit must file an application with the
21 Department on a form provided by the Department. The
22 application must include all information and requirements as
23 set forth by administrative rule. The application for these
24 permits shall be reviewed by the Department to determine if a
25 permit will ~~should~~ be issued.

1 ~~An Unless addressed or exempted by administrative rule,~~
2 annual permit renewal must be accompanied by a non-refundable
3 fee as set by the Department. The annual fee for a residential
4 Herpetoculture permit shall be set by administrative rule. The
5 Department shall adopt, by administrative rule, any additional
6 procedures for the renewal of a Herpetoculture permit. All
7 fees shall be deposited into the Wildlife Preservation Fund
8 ~~and Fish Fund.~~

9 As determined by administrative rule ~~the Department,~~
10 non-residents may apply for a permit not to exceed 15
11 consecutive days to commercialize herptiles indigenous to this
12 State as outlined in this Article. The application,
13 procedures, and ~~The~~ fee for the permit and permit renewal
14 shall be set by administrative rule, and all fees shall be
15 deposited into the Wildlife Preservation ~~and Fish~~ Fund.

16 ~~The Department shall adopt, by administrative rule,~~
17 ~~additional procedures for the renewal of annual Herpetoculture~~
18 ~~permits.~~

19 (Source: P.A. 98-752, eff. 1-1-15.)

20 (510 ILCS 68/55-10)

21 Sec. 55-10. Additional regulations. Nothing in Articles
22 50 and 55 shall be construed to give permittees authority to
23 breed, hatch, propagate, sell, offer for sale, or otherwise
24 commercialize any herptile or parts thereof from herptiles
25 indigenous to this State, either partially or in whole, that

1 originate from the wild in this State.

2 Any offspring resulting from the breeding of herptiles
3 where one parent has been taken from the wild in this State and
4 the other parent from non-Illinois stock or captive bred stock
5 may not be legally sold or otherwise commercialized and shall
6 be treated as indigenous or native Illinois herptile ~~herp~~ taxa
7 subject to Article 5 of this Act.

8 ~~Color or pattern variations (morphs) of any herptile~~
9 ~~indigenous to this State are not exempt from this Article.~~

10 ~~Due to the similarity of appearance (S/A) of certain~~
11 ~~intergrade or hybrid specimens, the Department retains the~~
12 ~~authority to enforce any and all provisions under this Act.~~
13 ~~Specimens determined by the Department, or its agents, to fit~~
14 ~~into this S/A category shall receive all benefits of this Act,~~
15 ~~as well as the Illinois Endangered Species Protection Act if~~
16 ~~applicable.~~

17 (Source: P.A. 98-752, eff. 1-1-15.)

18 (510 ILCS 68/55-15 new)

19 Sec. 55-15. Intergrade, hybrid, or morphological
20 variation. The Department shall have the authority to enforce
21 any and all provisions under this Act with respect to an
22 intergrade, hybrid, or morphological variation of a species
23 protected under this Act or administrative rule. Any
24 intergrade or hybrid specimen of a species protected under
25 this Act shall have the same protections that any herptile

1 parent of the intergrade or hybrid specimen has under this Act
2 or administrative rule. The Department may adopt
3 administrative rules for the regulation and administration of
4 intergrade, hybrid, or morphological variations of herptiles.

5 Any offspring resulting from the breeding of herptiles in
6 which one herptile parent has been taken from the wild in this
7 State and the other parent is from non-Illinois stock or
8 captive bred stock may not be legally sold or otherwise
9 commercialized and shall be treated as indigenous or native
10 Illinois herptile taxa subject to Article 5 of this Act.

11 Morphological variety relating to color or pattern
12 variations that are different from the normal, wild-type
13 coloration or pattern of any herptile indigenous to this State
14 or listed as a threatened or endangered species in the
15 Illinois Endangered Species Protection Act shall be treated as
16 indigenous or native Illinois herptile taxa subject to this
17 Act.

18 (510 ILCS 68/60-5)

19 Sec. 60-5. Permit requirements. Prior to any person
20 obtaining a Herptile Special Use permit, the following
21 criteria must be met:

22 (1) the person was in legal possession and is the
23 legal possessor of the herptile prior to the effective
24 date of this Act and the person applies for and is granted
25 a Personal Possession permit for each special use herptile

1 in the person's possession within 30 days after the
2 enactment of this Act; or

3 (2) prior to acquiring a Herptile Special Use permit,
4 the person must provide the name, address, date of birth,
5 permit number, telephone number of the possessor, type or
6 species, and the date the herptile is to be acquired.

7 The applicant must comply with all requirements of this
8 Act and the rules adopted by the Department to obtain a
9 Herptile Special Use permit. Prior to the issuance of the
10 Herptile Special Use permit, the applicant must provide proof
11 of liability insurance or surety bond, either individually, or
12 in the name of the entity engaged in ~~giving the~~ bona fide
13 educational programs, in the amount of \$100,000 for each
14 special use herptile up to a maximum of \$1,000,000 and the
15 insurance or surety bond is to be maintained during the term of
16 the permit for liability for any incident arising out of or
17 relating to the special use herptile.

18 (Source: P.A. 98-752, eff. 1-1-15.)

19 (510 ILCS 68/65-5)

20 Sec. 65-5. Permit application and fees. An applicant for a
21 Herptile Special Use permit must file an application with the
22 Department on a form provided by the Department. The
23 application must include all information and requirements as
24 set forth by administrative rule.

25 The annual fee for a residential Herptile Special Use

1 permit shall be set by administrative rule ~~on a per person~~
2 ~~basis~~. The Herptile Special Use permit shall not be based on
3 the number of special use herptile kept by an owner or
4 possessor. All fees shall be deposited into the Wildlife
5 Preservation ~~and Fish~~ Fund.

6 The Department shall adopt, by administrative rule,
7 procedures for the renewal of annual Herptile Special Use
8 permits.

9 Any person possessing and in legal possession of a special
10 use herptile as stipulated in this Article that no longer
11 wishes to keep the herptile may be assisted by the Department,
12 at no charge to them and without prosecution, to place the
13 special use herptile in a new home, within 30 days after the
14 effective date of this Act.

15 The Department may issue a Limited Entry permit to an
16 applicant who: (i) is not a resident of this State; (ii)
17 complies with the requirements of this Act and all rules
18 adopted by the Department under the authority of this Act;
19 (iii) provides proof to the Department that he or she shall,
20 during the permit term, maintain sufficient liability
21 insurance coverage; (iv) pays to the Department, along with
22 each application for a Limited Entry permit, a non-refundable
23 fee as set by administrative rule, which the Department shall
24 deposit into the Wildlife Preservation ~~and Fish~~ Fund; and (v)
25 uses the herptile for an activity authorized in the Limited
26 Entry permit. A Limited Entry permit shall be valid for not

1 more than 15 ~~30~~ consecutive days ~~unless extended by the~~
2 ~~Department, however, no extension shall be longer than 15~~
3 ~~days.~~ The application, review, and procedures to obtain or
4 renew a Limited Entry permit shall be set by administrative
5 rule.

6 (Source: P.A. 98-752, eff. 1-1-15.)

7 (510 ILCS 68/70-5)

8 Sec. 70-5. Suspension of privileges and revocation of
9 permits. A person who does not hold a Herptile Special Use
10 permit or Limited Entry permit and who violates a provision of
11 this Act or an administrative rule authorized under this Act
12 shall have his or her privileges under this Act suspended for a
13 period to be set by administrative rule. ~~up to 5 years after~~
14 ~~the date that he or she is in violation of an initial offense,~~
15 ~~for up to 10 years after the date that he or she is in~~
16 ~~violation of a second offense, and for life for a third or~~
17 ~~subsequent offense.~~ Department suspensions and revocations
18 shall be addressed by administrative rule.

19 A person who holds a Herptile Special Use permit or
20 Limited Entry permit and who violates the provisions of this
21 Act shall have his or her permit revoked and permit privileges
22 under this Act suspended for a period to be set by
23 administrative rule. ~~of up to 2 years after the date that he or~~
24 ~~she is found guilty of an initial offense, for up to 10 years~~
25 ~~after the date that he or she is found guilty of a second~~

1 ~~offense, and for life for a third offense.~~ Department
2 suspensions and revocations shall be addressed by
3 administrative rule.

4 A person whose privileges or permit to possess a special
5 use herptile have been suspended or ~~permit~~ revoked may appeal
6 that decision in accordance with the provisions set forth in
7 administrative rule.

8 (Source: P.A. 98-752, eff. 1-1-15.)

9 (510 ILCS 68/80-5)

10 Sec. 80-5. Injury to a member of public by special use
11 herptiles. A person who possesses a special use herptile
12 without complying with the requirements of this Act and the
13 rules adopted under the authority of this Act and whose
14 special use herptile causes bodily harm to ~~harms~~ a person when
15 the possessor knew or should have known that the herptile had a
16 propensity, when provoked or unprovoked, to harm, cause injury
17 to, or otherwise substantially endanger a member of the public
18 is guilty of a Class A misdemeanor. A person who possesses a
19 special use herptile without complying with the requirements
20 of this Act and the rules adopted under the authority of this
21 Act and whose special use herptile causes great bodily harm or
22 death to a person when the possessor knew or should have known
23 that the herptile had a propensity, when provoked or
24 unprovoked, to harm, cause injury to, or otherwise
25 substantially endanger a member of the public ~~A person who~~

1 ~~fails to comply with the provisions of this Act and the rules~~
2 ~~adopted under the authority of this Act and who intentionally~~
3 ~~or knowingly allows a special use herptile to cause great~~
4 ~~bodily harm to, or the death of, a human is guilty of a Class 4~~
5 felony.

6 (Source: P.A. 98-752, eff. 1-1-15; 99-642, eff. 7-28-16.)

7 (510 ILCS 68/Art. 87 heading new)

8 ARTICLE 87. HERPTILE DISEASES

9 (510 ILCS 68/87-5 new)

10 Sec. 87-5. Herptile diseases. The Department may
11 investigate, in conjunction with a licensed veterinarian, the
12 transmission or potential transmission of any disease in a
13 natural or captive population of an amphibian or reptile
14 species. The Department may promulgate administrative rules to
15 identify specific herptile diseases, pathogens, or fungi, as
16 well as treatment and caretaking requirements. Any herptile
17 harboring a disease, pathogen, or fungus specified in
18 administrative rule may be subject to confiscation and
19 forfeiture. A licensed veterinarian shall notify the
20 Department under administrative rule after the discovery of a
21 herptile that is harboring a disease, pathogen, or fungus
22 specified in administrative rule.

23 (510 ILCS 68/87-10 new)

1 Sec. 87-10. Possession of a disease carrying herptile.

2 (a) Upon discovery that a herptile is harboring a disease,
3 pathogen, or fungus specified in administrative rule, the
4 owner or person in possession of the herptile shall notify the
5 Department under administrative rule.

6 (b) An owner or person in possession of a herptile that he
7 or she knows or reasonably should know is harboring a disease,
8 pathogen, or fungus specified in administrative rule shall
9 comply with all administrative rules regarding the treatment
10 and caretaking requirements.

11 (c) A violation of this Section is a Class C misdemeanor.

12 (510 ILCS 68/90-5)

13 Sec. 90-5. Penalties.

14 (a) Unless otherwise stated in this Act, a violation of
15 this Act is a Class A misdemeanor.

16 (b) A person who violates Article 85 of this Act is guilty
17 of a Class A misdemeanor for a first offense and a Class 4
18 felony for a second or subsequent offense ~~occurring within one~~
19 ~~year after a finding of guilt on a first offense.~~

20 (c) A person who violates Article 75 of this Act is guilty
21 of a Class B misdemeanor. A violation of the record keeping
22 requirement for each individual special use herptile ~~Each day~~
23 ~~of a violation~~ constitutes a separate offense. ~~Any other~~
24 ~~violation of this Act is a Class A misdemeanor unless~~
25 ~~otherwise stated.~~

1 (d) Any person who takes, possesses, captures, kills, or
2 disposes of any herptile protected under this Act in violation
3 of this Act is guilty of a Class B misdemeanor unless otherwise
4 stated in this Act.

5 (e) All fines and penalties collected under the authority
6 of this Act or its administrative rules shall be deposited
7 into the Wildlife Preservation ~~and Fish~~ Fund.

8 (Source: P.A. 98-752, eff. 1-1-15.)

9 (510 ILCS 68/90-10 new)

10 Sec. 90-10. Commercial purposes; offenses.

11 (a) Unless otherwise provided in this Act, any person who
12 for profit or commercial purposes knowingly captures, kills,
13 possesses, offers for sale, sells, offers to barter, barter,
14 offers to purchase, purchases, delivers for shipment, ships,
15 exports, imports, causes to be shipped, exported, or imported,
16 delivers for transportation, transports, or causes to be
17 transported, carries or causes to be carried, or receives for
18 shipment, transportation, carriage, or export any herptile
19 taxa, in whole or in part, protected under this Act and the
20 financial value of that herptile, in whole or in part, is
21 valued:

22 (1) at or in excess of a total of \$300 as calculated
23 according to the applicable provisions under paragraphs
24 (1), (2), (3), and (4) of subsection (a) in Section 105-95
25 of this Act is guilty of a Class 3 felony; or

1 (2) less than the total of \$300 as calculated
2 according to the applicable provisions under paragraphs
3 (1), (2), (3), and (4) of subsection (a) in Section 105-95
4 of this Act is guilty of a Class A misdemeanor. A second or
5 subsequent violation is a Class 4 felony.

6 (b) The possession of any herptile, in whole or in part,
7 captured or killed in violation of this Act that is valued at
8 or in excess of \$600 under the provisions in subsection (b) of
9 Section 105-95 of this Act shall be considered prima facie
10 evidence of possession for profit or commercial purposes.

11 (510 ILCS 68/95-5)

12 Sec. 95-5. Assumption of risk. Each person who owns,
13 possesses, or keeps a herptile expressly assumes the risk of
14 and legal responsibility for injury, loss, or damage to the
15 person or ~~the person's~~ property that results from the
16 ownership, possession, or keeping, of the herptile. Each
17 owner, keeper, or possessor of a herptile shall be solely
18 liable to manage, care for, and control a particular herptile
19 species, and it shall be the duty of each owner, keeper, or
20 possessor, to maintain reasonable control of the particular
21 herptile at all times, and to refrain from acting in a manner
22 that may cause or contribute to the injury of person, whether
23 in public or on private property.

24 (Source: P.A. 98-752, eff. 1-1-15.)

1 (510 ILCS 68/95-10)

2 Sec. 95-10. Civil liability and immunity. ~~If any herptile~~
3 ~~escapes or is released, the owner and possessor of the~~
4 ~~herptile shall be strictly liable for all costs incurred in~~
5 ~~apprehending and confining the herptile, including any~~
6 ~~injuries incurred to humans or damage to property, both real~~
7 ~~and personal, including pets and livestock, and the owner~~
8 ~~shall indemnify any animal control officer, police officer, or~~
9 ~~Department employee acting in his or her official capacity to~~
10 ~~capture or control an escaped herptile.~~

11 The owner, keeper, or possessor of a herptile that escapes
12 captivity or is released ~~an escaped herptile~~ shall be liable
13 ~~solely responsible~~ for any and all damages and costs to any
14 person or property liabilities arising out of or in connection
15 with the escape or release of any herptile. Liability
16 includes, but is not limited to, ~~including liability for~~ any
17 damage, injury, or death caused by or to the herptile during or
18 after the herptile's escape or release or as a result of the
19 apprehension or confinement of the herptile after its escape
20 or release. In addition, the owner, keeper, or possessor of an
21 escaped herptile shall be solely responsible and shall
22 indemnify for any and all costs, damages, or medical expenses
23 incurred by an animal control officer, police officer, or
24 Department employee acting in his or her official capacity to
25 capture or control an escaped herptile.

26 ~~A licensed veterinarian who may have cause to treat a~~

1 ~~special use herptile that is in violation of this Act shall not~~
2 ~~be held liable, except for willful and wanton misconduct,~~
3 ~~under this Act provided that the veterinarian (i) promptly~~
4 ~~reports violations of this Act of which he or she has knowledge~~
5 ~~to a law enforcement agency within 24 hours after becoming~~
6 ~~aware of the incident; (ii) provides the name, address, and~~
7 ~~phone number of the person possessing the special use herptile~~
8 ~~at time of incident or treatment; (iii) provides the name and~~
9 ~~address of the owner of the special use herptile if known; (iv)~~
10 ~~identifies the kind and number of special use herptiles being~~
11 ~~treated; and (v) describes the reason for the treatment of the~~
12 ~~special use herptile.~~

13 (Source: P.A. 98-752, eff. 1-1-15.)

14 (510 ILCS 68/100-5)

15 Sec. 100-5. Prima facie evidence; confiscation. The
16 possession of ~~any reptile or amphibian life or any herptile,~~
17 special use herptile, or part of any herptile or special use
18 herptile ~~reptile or amphibian life~~ protected under this Act is
19 prima facie evidence that the herptile or special use herptile
20 ~~reptile or amphibian life~~ or any part of ~~reptile or amphibian~~
21 ~~life~~ is subject to the provisions of this Act, including
22 administrative rules.

23 Whenever the contents of any box, barrel, package, or
24 receptacle consists partly of contraband and partly of a
25 legally possessed or shipped herptile or special use herptile

1 ~~legal reptile or amphibian life~~ or any part of a legally
2 possessed or shipped herptile or special use herptile ~~reptile~~
3 ~~or amphibian life~~, the entire contents of the box, barrel, or
4 package, or other receptacle are subject to confiscation.

5 Whenever a person has in his or her possession in excess of
6 the number of herptiles or special use herptiles ~~reptile or~~
7 ~~amphibian life~~ or any parts of herptiles or special use
8 herptiles ~~reptile or amphibian life~~ permitted under this Act,
9 including administrative rules, the entire number of herptiles
10 or special use herptiles ~~reptile or amphibian life~~ or any
11 parts of herptiles or special use herptiles ~~reptile or~~
12 ~~amphibian life~~ in his or her possession is subject to
13 confiscation, seizure, or forfeiture.

14 (Source: P.A. 98-752, eff. 1-1-15.)

15 (510 ILCS 68/100-10)

16 Sec. 100-10. Search and seizure. Whenever any authorized
17 employee of the Department, sheriff, deputy sheriff, or other
18 peace office of the State has reason to believe that any
19 person, owner, possessor, commercial institution, pet store,
20 or reptile show vendor or attendee possesses any herptile
21 ~~reptile or amphibian life~~ or any part or parts of a herptile
22 ~~reptile or amphibian life~~ contrary to the provisions of this
23 Act, including administrative rules, he or she may file, or
24 cause to be filed, a sworn complaint to that effect before the
25 circuit court and procure and execute a search warrant. Upon

1 execution of the search warrant, the officer executing the
2 search warrant shall make due return of the search warrant to
3 the court issuing the search warrant, together with an
4 inventory of all the herptiles ~~reptile or amphibian life~~ or
5 any part or parts of a herptile ~~reptile or amphibian life~~ taken
6 under the search warrant. The court shall then issue process
7 against the party owning, controlling, or transporting the
8 herptile ~~reptile or amphibian life~~ or any part of a herptile
9 ~~reptile or amphibian life~~ seized, and upon its return shall
10 proceed to determine whether or not the herptile ~~reptile or~~
11 ~~amphibian life~~ or any part or parts of a herptile were ~~reptile~~
12 ~~or amphibian life~~ was held, possessed, or transported in
13 violation of this Act, including administrative rules. In case
14 of a finding that a herptile ~~the reptile or amphibian life~~ was
15 illegally held, possessed, transported, or sold, a judgment
16 shall be entered against the owner or party found in
17 possession of the herptile ~~reptile or amphibian life~~ or any
18 part or parts of a herptile ~~reptile or amphibian life~~ for the
19 costs of the proceeding and providing for the disposition of
20 the property seized, as provided for by this Act.

21 (Source: P.A. 98-752, eff. 1-1-15.)

22 (510 ILCS 68/100-15)

23 Sec. 100-15. Seizure and forfeiture. If any person is
24 found to possess a special use herptile that is in violation of
25 this Act, including any administrative rules, then the special

1 use herptile and any equipment or items used contrary to this
2 Act shall be subject to seizure and forfeiture by the
3 Department under Section 100-10. Any special use herptile
4 seized in violation of this Act may immediately be placed in a
5 facility approved by the Department.

6 If a person's special use herptile has been seized by the
7 Department, then the owner and possessor of the special use
8 herptile is liable for the reasonable costs associated with
9 the seizure, placement, testing, and care for the special use
10 herptile from the time of confiscation until the time the
11 special use herptile is relocated to an approved facility or
12 person holding a valid Herptile Special Use permit or is
13 otherwise disposed of by the Department.

14 ~~Any special use herptile and related items found abandoned~~
15 ~~shall become the property of the Department and disposed of~~
16 ~~according to Department rule.~~

17 The circuit court, in addition to any other penalty, may
18 award any seized or confiscated special use herptiles or items
19 to the Department ~~as provided for in Section 1-215 of the Fish~~
20 ~~and Aquatic Life Code and Section 1.25 of the Wildlife Code.~~
21 The circuit ~~Further, the~~ court, in addition to any other
22 penalty, may assess a fee upon a person who pleads guilty to
23 the provisions of this Act equal to the amount established or
24 determined to maintain the special use herptile until it is
25 permanently placed in a facility approved by the Department or
26 otherwise disposed of.

1 (Source: P.A. 98-752, eff. 1-1-15.)

2 (510 ILCS 68/105-10)

3 Sec. 105-10. Conservation of herptiles ~~reptiles and~~
4 ~~amphibians~~. The Department shall take all measures necessary
5 for the conservation, distribution, introduction, and
6 restoration of herptiles ~~reptiles and~~ ~~amphibians~~. The
7 Department shall also bring or cause to be brought actions and
8 proceedings, in the name and by the authority of the People of
9 the State of Illinois, to enforce this Act, including
10 administrative rules, and to recover any and all fines and
11 penalties provided for in this Act. ~~Nothing in this Act shall~~
12 ~~be construed to authorize the Department to change any penalty~~
13 ~~prescribed by law or to change the amount of license fees or~~
14 ~~the authority conferred by licenses prescribed by law.~~ The
15 Department is authorized to cooperate with the appropriate
16 Departments of the federal government and other Departments or
17 agencies of State government and educational institutions in
18 conducting surveys, experiments, or work of joint interest or
19 benefit.

20 (Source: P.A. 98-752, eff. 1-1-15.)

21 (510 ILCS 68/105-30)

22 Sec. 105-30. Statute of limitations. All prosecutions
23 under this Act shall be commenced within 3 years after the
24 commission of the offense if it is a felony, or within one year

1 and 6 months after its commission if it is a misdemeanor ~~2~~
2 ~~years after the time the offense charged was committed.~~

3 (Source: P.A. 98-752, eff. 1-1-15.)

4 (510 ILCS 68/105-35)

5 Sec. 105-35. Collection of fines. All fines provided for
6 by this Act shall be collected and remitted to the
7 Department's Wildlife Preservation ~~and Fish~~ Fund, within 30
8 days after the collection of the fine, by the clerk of the
9 circuit court collecting the fines who shall submit at the
10 same time to the Department a statement of the names of the
11 persons so fined and the name of the arresting officer, the
12 offense committed, the amount of the fine, and the date of the
13 conviction.

14 (Source: P.A. 98-752, eff. 1-1-15.)

15 (510 ILCS 68/105-40)

16 Sec. 105-40. Power of entry and examination; access to
17 lands and waters. Authorized employees of the Department are
18 empowered, under law, to enter all lands and waters to enforce
19 the provisions of this Act. Authorized employees are further
20 empowered to examine all buildings, private or public clubs
21 (except dwellings), fish markets, cold storage houses, locker
22 plants, reptile shows, pet stores, camps, vessels, cars
23 (except sealed railroad cars or other sealed common carriers),
24 conveyances, vehicles, watercraft, or any other means of

1 transportation or shipping, tents, bags, game bags
2 ~~pillowcases, coats, jackets,~~ or other receptacles and to open
3 any box, barrel, package, or other receptacle in the
4 possession of a common carrier, that they have reason to
5 believe contains a herptile ~~reptile or amphibian life~~ or any
6 part of a herptile ~~reptile or amphibian life~~ taken, bought,
7 sold or bartered, shipped, or had in possession contrary to
8 this Act, including administrative rules, or that the
9 receptacle containing the herptile ~~reptile or amphibian~~ is
10 falsely labeled.

11 Authorized employees of the Department shall be given free
12 access to and shall not be hindered or interfered with in
13 making an entry and examination and any permit issued by the
14 Department that is held by the person preventing such free
15 access or interfering with or hindering such authorized
16 employee shall be subject to confiscation by the Department.
17 The Department shall not issue any permit to a person who
18 prevented free access or interfered with or hindered an
19 employee. ~~Any permit or license held by a person preventing~~
20 ~~free access or interfering with or hindering an employee shall~~
21 ~~not be issued to that person~~ for the period of one year after
22 his or her action.

23 Employees of the Department, as specifically authorized by
24 the Director, are empowered to enter all lands and waters for
25 the purpose of herptile ~~reptile or amphibian~~ investigations,
26 State and federal permit inspections, as well as herptile

1 ~~reptile or amphibian~~ censuses or inventories, and are further
2 empowered to conduct examination of equipment and devices in
3 the field, under law, to ensure compliance with this Act.

4 (Source: P.A. 98-752, eff. 1-1-15.)

5 (510 ILCS 68/105-55)

6 Sec. 105-55. Illegal collecting devices; public nuisance.
7 Every collecting device, including seines, nets, traps,
8 pillowcases, bags, snake hooks or tongs, or any electrical
9 device or any other devices including vehicles or conveyance,
10 watercraft, or aircraft used or operated illegally or
11 attempted to be used or operated illegally by any person in
12 taking, transporting, holding, or conveying any herptile
13 ~~reptile or amphibian~~ life or any part or parts of a herptile ~~of~~
14 ~~reptile or amphibian life~~, contrary to this Act, including
15 administrative rules, shall be deemed a public nuisance and
16 therefore illegal and subject to seizure and confiscation by
17 any authorized employee of the Department. Upon the seizure of
18 this item, the Department shall take and hold the item until
19 disposed of as provided in this Act.

20 Upon the seizure of any device because of its illegal use,
21 the officer or authorized employee of the Department making
22 the seizure shall, as soon as reasonably possible, cause a
23 complaint to be filed before the circuit court and a summons to
24 be issued requiring the owner or person in possession of the
25 property to appear in court and show cause why the device

1 seized should not be forfeited to the State. Upon the return of
2 the summons duly served or upon posting or publication of
3 notice as provided in this Act, the court shall proceed to
4 determine the question of the illegality of the use of the
5 seized property. Upon judgment being entered that the property
6 was illegally used, an order shall be entered providing for
7 the forfeiture of the seized property to the State. The owner
8 of the property may have a jury determine the illegality of its
9 use and shall have the right of an appeal as in other civil
10 cases. Confiscation or forfeiture shall not preclude or
11 mitigate against prosecution and assessment of penalties
12 provided in ~~Article 90 of~~ this Act.

13 Upon seizure of any property under circumstances
14 supporting a reasonable belief that the property was
15 abandoned, lost, stolen, or otherwise illegally possessed or
16 used contrary to this Act, except property seized during a
17 search or arrest, and ultimately returned, destroyed, or
18 otherwise disposed of under order of a court in accordance
19 with this Act, the authorized employee of the Department shall
20 make reasonable inquiry and efforts to identify and notify the
21 owner or other person entitled to possession of the property
22 and shall return the property after the person provides
23 reasonable and satisfactory proof of his or her ownership or
24 right to possession and reimburses the Department for all
25 reasonable expenses of custody. If the identity or location of
26 the owner or other person entitled to possession of the

1 property has not been ascertained within 6 months after the
2 Department obtains possession, the Department shall effectuate
3 the sale of the property for cash to the highest bidder at a
4 public auction. The owner or other person entitled to
5 possession of the property may claim and recover possession of
6 the property at any time before its sale at public auction upon
7 providing reasonable and satisfactory proof of ownership or
8 right of possession and reimbursing the Department for all
9 reasonable expenses of custody.

10 Any property forfeited to the State by court order under
11 this Section may be disposed of by public auction, except that
12 any property that is the subject of a court order shall not be
13 disposed of pending appeal of the order. The proceeds of the
14 sales at auction shall be deposited in the Wildlife
15 Preservation and Fish Fund.

16 The Department shall pay all costs of posting or
17 publication of notices required by this Section.

18 Property seized or forfeited under this Section is subject
19 to reporting under the Seizure and Forfeiture Reporting Act.

20 (Source: P.A. 100-512, eff. 7-1-18.)

21 (510 ILCS 68/105-60)

22 Sec. 105-60. Violations; separate offenses. Each act of
23 pursuing, taking, shipping, offered or received for shipping,
24 offering or receiving for shipment, transporting, buying,
25 selling or bartering, or having in one's possession any

1 protected herptile ~~reptile or amphibian life~~ or any part or
2 parts of a herptile ~~of reptile or amphibian life~~, seines,
3 nets, bags, snake hooks or tongs, or other devices used or to
4 be used in violation of this Act, including administrative
5 rules, constitutes a separate offense.

6 (Source: P.A. 98-752, eff. 1-1-15.)

7 (510 ILCS 68/105-65)

8 Sec. 105-65. Accessory to violation; accountability.

9 (a) Any person who aids in or contributes in any way to a
10 violation of this Act, including administrative rules, is
11 individually liable, as a separate offense under this Act, for
12 the penalties imposed against the person who committed the
13 violation.

14 (b) Accountability for any person who aids or contributes
15 in any way to a misdemeanor or felony violation of this Act
16 shall be determined according to the provisions under Section
17 5-2 of the Criminal Code of 2012.

18 (Source: P.A. 98-752, eff. 1-1-15.)

19 (510 ILCS 68/105-75)

20 Sec. 105-75. Wildlife Preservation ~~and Fish~~ Fund;
21 disposition of money received. All fees, fines, income of
22 whatever kind or nature derived from herptile ~~reptile and~~
23 ~~amphibian~~ activities regulated by this Act on lands, waters,
24 or both under the jurisdiction or control of the Department

1 and all penalties collected under this Act shall be deposited
2 into the State treasury and shall be set apart in a special
3 fund known as the Wildlife Preservation ~~and Fish~~ Fund.

4 (Source: P.A. 98-752, eff. 1-1-15.)

5 (510 ILCS 68/105-80)

6 Sec. 105-80. Ownership and title of wild indigenous
7 reptiles and amphibians. The ownership of and title to all
8 wild indigenous herptile ~~reptile and amphibian~~ life within the
9 boundaries of the State are hereby declared to be in the State
10 and no wild indigenous herptile ~~reptile and amphibian~~ life
11 shall be taken or killed, in any manner or at any time, unless
12 the person or persons taking or killing the wild indigenous
13 reptile and amphibian life shall consent that the title to the
14 wild indigenous herptile ~~reptile and amphibian~~ life shall be
15 and remain in the State for the purpose of regulating the
16 taking, killing, possession, use, sale, and transportation of
17 wild indigenous herptile reptile and amphibian life after
18 taking or killing, as set forth in this Act.

19 (Source: P.A. 98-752, eff. 1-1-15.)

20 (510 ILCS 68/105-90)

21 Sec. 105-90. Taking on private property. It is unlawful
22 for any person to take or attempt to take any species of
23 reptile or amphibian, or parts thereof, within or upon the
24 land of another, or upon waters flowing over or standing on the

1 land of another, without first obtaining permission from the
2 owner or the owner's designee. For the purposes of this
3 Section, the owner's designee means anyone who the owner
4 designates in a written authorization and the authorization
5 must contain (i) the legal or common description of property
6 for which the authority is given, (ii) the extent that the
7 owner's designee is authorized to make decisions regarding who
8 is allowed to take or attempt to take any species of reptiles
9 or amphibians, or parts thereof, and (iii) the owner's
10 notarized signature. ~~Before enforcing this Section, the law~~
11 ~~enforcement officer must have received notice from the owner~~
12 ~~or the owner's designee of a violation of this Section.~~
13 ~~Statements made to a law enforcement officer regarding this~~
14 ~~notice shall not be rendered inadmissible by the hearsay rule~~
15 ~~when offered for the purpose of showing the required notice.~~
16 Any person who violates this Section shall be guilty of a Class
17 B misdemeanor.

18 (Source: P.A. 98-752, eff. 1-1-15.)

19 (510 ILCS 68/105-95)

20 Sec. 105-95. Financial value of herptiles.

21 (a) For purposes of this Act, replacement cost shall be
22 used to determine the financial value of the herptile species
23 protected by this Act, but in no case shall the minimum value
24 of any species protected under this Act be less than the
25 following: ~~For purposes of this Section, the financial value~~

1 ~~of all reptiles and amphibians described under this Act taken,~~
2 ~~possessed, or used in violation of this Act, whether in whole~~
3 ~~or in part, is as follows:~~

4 (1) for processed turtle parts, \$8 for each pound or
5 fraction of a pound; for each non-processed turtle, \$15
6 per whole turtle ~~or fair market value, whichever is~~
7 ~~greater;~~

8 (2) for frogs, toads, salamanders, lizards, and
9 snakes, \$5 per herptile ~~or fair market value, whichever is~~
10 ~~greater,~~ in whole or in part, unless specified as a
11 special use herptile;

12 (3) for any special use herptile, the value shall be
13 ~~no less than \$250 per special use herptile or fair market~~
14 ~~value, whichever is greater;~~

15 (4) for any endangered or threatened herptile, the
16 value shall be ~~no less than \$150 per endangered or~~
17 ~~threatened. herptile or fair market value, whichever is~~
18 ~~greater; and~~

19 (5) (Blank). ~~any person who, for profit or commercial~~
20 ~~purposes, knowingly captures or kills, possesses, offers~~
21 ~~for sale, sells, offers to barter, barter, offers to~~
22 ~~purchase, purchases, delivers for shipment, ships,~~
23 ~~exports, imports, causes to be shipped, exported, or~~
24 ~~imported, delivers for transportation, transports, or~~
25 ~~causes to be transported, carries or causes to be carried,~~
26 ~~or receives for shipment, transportation, carriage, or~~

1 ~~export any reptile or amphibian life, in part or in whole,~~
2 ~~of any of the reptiles and amphibians protected by this~~
3 ~~Act, and that reptile or amphibian life, in whole or in~~
4 ~~part, is valued at or in excess of a total of \$300 or fair~~
5 ~~market value, whichever is greater, as per value specified~~
6 ~~in paragraphs (1), (2), (3), and (4) of this subsection~~
7 ~~commits a Class 3 felony.~~

8 (b) (Blank). ~~The trier of fact may infer that a person~~
9 ~~"knowingly possesses" a reptile or amphibian, in whole or in~~
10 ~~part, captured or killed in violation of this Act, valued at or~~
11 ~~in excess of \$600, as per value specified in paragraphs (1),~~
12 ~~(2), (3), and (4) of subsection (a) of this Section.~~

13 (Source: P.A. 98-752, eff. 1-1-15; 99-78, eff. 7-20-15.)

14 (510 ILCS 68/110-5)

15 Sec. 110-5. Exemptions. When acting in their official
16 capacity, the following entities and their agents are exempt
17 from Section 75-5 ~~Articles 75~~ and 85-5 ~~85~~ of this Act:

18 (1) public zoos or aquaria accredited by the
19 Association of Zoos and Aquariums or the Zoological
20 Association of America;

21 (2) licensed veterinarians or anyone operating under
22 the authority of a licensed veterinarian who is actively
23 treating a special use herptile that is being maintained
24 in the veterinarian facility in accordance with Sections
25 10-25, 20-15, and 25-15 of this Act in order to prevent the

1 escape of the herptile and protect public health and
2 safety;

3 (3) (blank); ~~wildlife sanctuaries;~~

4 (4) accredited research or medical institutions;

5 (5) licensed or accredited educational institutions;

6 (6) circuses licensed and in compliance with the
7 Animal Welfare Act and all rules adopted by the Department
8 of Agriculture;

9 (7) federal, State, and local law enforcement
10 officers, including animal control officers acting under
11 the authority of this Act;

12 (8) members of federal, State, or local agencies
13 approved by the Department; and

14 (9) (blank); ~~any bona fide wildlife rehabilitation~~
15 ~~facility licensed or otherwise authorized by the~~
16 ~~Department; and~~

17 (10) any motion picture or television production
18 company that uses licensed dealers, exhibitors, and
19 transporters under the federal Animal Welfare Act, 7
20 U.S.C. 2132.

21 (Source: P.A. 98-752, eff. 1-1-15.)

22 Section 10. The Illinois Endangered Species Protection Act
23 is amended by changing Sections 3, 4, and 5 as follows:

24 (520 ILCS 10/3) (from Ch. 8, par. 333)

1 Sec. 3. It is unlawful for any person:

2 (1) to possess, take, transport, sell, offer for sale,
3 give or otherwise dispose of any animal or the product
4 thereof of any animal species which occurs on the Illinois
5 List, unless otherwise authorized by law;

6 (2) to deliver, receive, carry, transport or ship in
7 interstate or foreign commerce plants listed as endangered
8 by the federal government without a permit therefor issued
9 by the Department as provided in Section 4 of this Act;

10 (3) to take plants on the Illinois List without the
11 express written permission of the landowner; or

12 (4) to sell or offer for sale plants or plant products
13 of endangered species on the Illinois List.

14 (Source: P.A. 91-357, eff. 7-29-99.)

15 (520 ILCS 10/4) (from Ch. 8, par. 334)

16 Sec. 4. Upon receipt of proper application and approval of
17 the same, the Department may issue to any qualified person a
18 permit which allows the taking, possession, transport,
19 purchase, or disposal of specimens or products of an
20 endangered or threatened species of animal or federal
21 endangered plant after the effective date of this Act for
22 justified purposes, that will enhance the survival of the
23 affected species by zoological, botanical or educational or
24 for scientific purposes only. ~~Section 5-20 of the~~
25 ~~Herptiles Herps Act has provisions for permits to acquire,~~

1 ~~breed, and sell captive, legally obtained endangered and~~
2 ~~threatened amphibians and reptiles.~~ Rules for the issuance and
3 maintenance of permits shall be promulgated by the Department
4 after consultation with and written approval of the Board. The
5 Department shall, upon notice and hearing, revoke the permit
6 of any holder thereof upon finding that the person is not
7 complying with the terms of the permit, the person is
8 knowingly providing incorrect or inadequate information, the
9 activity covered by the permit is placing the species in undue
10 jeopardy, or for other cause.

11 (Source: P.A. 98-752, eff. 1-1-15.)

12 (520 ILCS 10/5) (from Ch. 8, par. 335)

13 Sec. 5. (a) Upon receipt of proper application and
14 approval of same, the Department may issue a limited permit
15 authorizing the possession, purchase or disposition of animals
16 or animal products of an endangered or threatened species, or
17 federal endangered plants to any person which had in its
18 possession prior to the effective date of this Act such an item
19 or which obtained such an item legally out-of-state. Such
20 permit shall specifically name and describe each pertinent
21 item possessed by the permit holder and shall be valid only for
22 possession, purchase or disposition of the items so named. The
23 Department may require proof that acquisition of such items
24 was made before the effective date of this Act. The Department
25 may also issue a limited permit authorizing the possession,

1 purchase or disposition of live animals or such item to any
2 person to whom a holder of a valid permit issued pursuant to
3 this section gives, sells, or otherwise transfers the item
4 named in the permit. ~~Section 5-20 of the Herptiles Herps Act~~
5 ~~has provisions for permits to acquire, breed, and sell~~
6 ~~captive, legally obtained endangered and threatened amphibians~~
7 ~~and reptiles.~~ Limited permits issued pursuant to this section
8 shall be valid only as long as the item remains in the
9 possession of the person to whom the permit was issued.

10 (b) The limited permit shall be revoked by the Department
11 if it finds that the holder has received it on the basis of
12 false information, is not complying with its terms, or for
13 other cause.

14 (Source: P.A. 98-752, eff. 1-1-15.)".